

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, September 13, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, July 26, 2006 Worksession.

Action: Approved, DLB/WHM, 3-0.

2. **A-6089, Appeal of William Poulos** (Department of Permitting Services (DPS) - Issuance of Building Permit No. 386664). Letter to the Board from the appellant requesting a refund of the filing fee.

Action: (1) Re-opened the record to include the appellant's letter; (2) granted 100% (\$200.00) refund of the filing fee, (WMH/DLB, 3-0).

3. **A-6115, Appeal of Sally D. Rand and Richard Hall** (Department of Permitting Service – Issuance of Building Permit No. 396835). Letter to the Board from Rebecca Willens, Esquire, requesting that the appeal be dismissed.

Action: Board action on the administrative appeal deferred until 9/20/06 Worksession.

4. **A-6122, Appeal of Cornerstone, Inc. by Ronald Magaha** (Department of Permitting Services – Notice of Violation). Letter to the Board from Todd Brown, Esquire, withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the administrative appeal as withdrawn; (2) granted 100% (\$200.00) refund of the filing fee, (DLB/WMH, 3-0).

5. **A-6162, Appeal of Andrew Russo, President Springfield Civic Association, Lisa Lacasse and Gail Hoelscher** (Department of Permitting Services Issuance of Building Permit No. 405997). Letter to the Board from Patricia Harris, Esquire and Motion to Intervene on behalf of Fourth Presbyterian Church of Washington.

Action: (1) Granted the Motion to Intervene; (2) deferred action on the Motion to Dismiss, (DLB/WMH, 4-0).

6. **CBA-1174, Petition of Holton-Arms School, Inc.** (private educational institution). Letter from Elsie Reid, Esquire, notifying the Board of a change in the hours of operation.

Action: Granted the administrative modification with the same parameters as every other school day, (AMC/DLB, 4-0).

7. **CBA-1801, Petition of Shell Oil Company** (automobile filling station, pending list item). Letter from M. Lee Bouchez requesting additional time to complete modification request.

Action: Granted a 30-day extension to complete required documentation for an administrative modification, (AMC/DLB, 3-0/AIF/recused).

8. **S-155, Petition of Mary B. Marienthal** (day nursery). Letter to the Board from Rebecca Mancuso requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WMH/AMC, 4-0).

9. **S-597, Petition of Dr. H. Steven Steinberg by VCA Veterinary Referral Associates Animal Hospital** (veterinary hospital). Letter from Thomas Carroll, Esquire, requesting clarification by the Board of a recommendation of the Montgomery County Tower Committee.

Action: (1) No modification of the special exception is required; (2) petitioner to submit revised site plan showing the antenna, consensus.

10. **S-608, Petition of John G. Gosnell** (off-street parking). Letter from Troy Balkema, Quadrangle Development Corporation, notifying the Board that the special exception is now a permitted use and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WMH/DLB, 3-0).

11. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letters to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification.

Action: Granted the administrative modification, (DLB/WMH, 4-0).

12. **S-1433, Petition of Clara Parelo** (major home occupation). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (AMC/WMH, 4-0).

13. **S-1471, Petition of Power Fuel, and Transport Real Estate Holding Company (MD), LLC** (automobile filling station). Letter to the Board from A. Shane Kamkari, Esquire, submitting a site/landscape and a photometric plan. Also included is an Order from the Circuit Court remanding the case for further proceedings. [Large exhibits: site/landscape and photometric plans].

Action: (1) Re-opened the record to include Mr. Kamkari's letter with attachments; (2) hearing on remand to be scheduled for the next available hearing date, (DLB/AMC, 4-0).

14. **S-2314, Petition of the Jennifer and Charles Vance** (accessory apartment). Letter to the Board from Nadine Tremper requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WMH/AMC, 4-0).

15. **S-2361, Petition of Sandra L. Feldman** (major home occupation). Letter from the petitioner notifying the Board that special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WMH/DLB, 4-0).

16. **S-2385, Petition of Olney Boys and Girls Club** (Service Organization). Letter to the Board from Dan Dioniso, advising the Board of installation of sheds, concession stand. (Large exhibits).

Action: (1) Re-opened the record to include Mr. Dioniso's letter with attachments; (2) adopted the revised site plan, (AMC/WMH, 4-0).

17. **S-2467-A, Petition of Holton-Arms School, Inc.** (child day care facility). Letter to the Board from Elsie Reid, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (DLB/WMH, 4-0).

18. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations).

Action: Item deferred until the Board's 9/20/06 Worksession, consensus.

19. **S-2588, Petition of Onkar Sharma Rajesh Bhandari** (non-resident professional office). Letter to the Board from Paul Gordon, President, Forest Estates Community Association, regarding the conditions of the special exception.

Action: (1) Re-open the record to include Mr. Gordon's letter, (DLB/AMC, 4-0); (2) special exceptions have a 2-year implementation period and a 1-year inspection schedule.

DECISION ITEMS:

20. **S-2669, Petition of Oakview Recreation Corporation and Ominpoint Communication CAP Operations, LLC** (telecommunications facility). Hearing Examiner's Report and Recommendation.

Action: Item deferred until the Board's 9/20/06 Worksession.

21. **S-2670, Petition of Eldon Charles** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing's Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DLB/WMH, 4-0).

DECISION ITEMS (continued):

22. **S-2672, Petition of Ronald L. and Margaret Ann Rand** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (WMH/AMC, 4-0).

PENDING ITEMS:

23. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to received status report in 90 days. [W/S 4/19/06].

24. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

25. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

26. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].

27. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

28. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].

29. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].

PENDING ITEMS (continued):

30. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
31. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].
32. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].
33. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time, consensus. [W/S 5-31-06].
34. **S-2459, Petition of Hampshire Village Associates** (life care facility). Inspection reports from Barbara Piczak, Inspector, DPS, regarding the special exception's Community Council and its parking. Board will receive an additional inspection report after the compliance deadline. [W/S 6/28/06].
35. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a transfer of the special exception. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer, requesting an inspection of the special exception by DPS. Item deferred until the Board receives DPS's inspection report. [W/S 5/31/06].
36. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06, (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].
37. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

38. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until receipt of a revised landscape plan. [W/S 6/28/06].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Angelo M. Caputo
Wendell M. Holloway
Caryn L. Hines - ABSENT

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist - ABSENT